

MASSACHUSETTS DEPARTMENT OF CORRECTION

DEPARTMENT PROTECTIVE CUSTODY UNITS

103 DOC 422

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<b>MASSACHUSETTS DEPARTMENT OF CORRECTION</b>	<b>DIVISION: PDCU</b>
<b>TITLE: DEPARTMENT PROTECTIVE CUSTODY UNITS</b>	<b>NO: 103 DOC 422</b>

**PURPOSE:** The purpose of these regulations is to establish departmental policy and procedure for the transfer, housing, monitoring and release of inmates in departmental protective custody units.

**REFERENCES:** M.G.L. chapter 124, section 1 a, b, c, g, and q.

**APPLICABILITY:** Staff

**PUBLIC ACCESS:** Yes

**LOCATION:** DOC Central Policy File  
Facility Policy File  
Inmate Policy File

**STAFF RESPONSIBLE FOR IMPLEMENTATION AND MONITORING OF POLICY:**

- Director of the Policy Development and Compliance Unit
- Superintendents

**PROMULGATION DATE:** 5/22/96

**EFFECTIVE DATE:** 5/16/02

**CANCELLATION:** This policy cancels all previous department policy statements, bulletins, directives, orders, notices, rules, or regulations regarding planning which are inconsistent with this policy.

**SEVERABILITY CLAUSE:** If any part of this policy is for any reason held to be in excess of the authority of the Commissioner, such decision will not affect any other part of this policy.

**422.01**      **Transfer to a Departmental Protective Custody Unit**

1. An inmate may be transferred to a department protective custody unit after a finding by the commissioner or his designee that the inmate cannot be safely placed in the general population of any state correctional facility. Inmates transferred to a department protective custody unit shall normally have a classification hearing before such transfer takes place. The rules set forth in 103 CMR 420, classification, sections 420.08 and 420.09 shall be adhered to at this hearing. If an inmate is transferred to a department protective custody unit prior to a hearing pursuant to 103 CMR 420, a hearing shall be held within 20 working days of the transfer.
2. In circumstances where the superintendent, commissioner or designee determine that a failure to transfer the inmate prior to such classification will result in an unreasonable risk to the inmate's personal safety, a transfer may occur prior to the inmate being classified for such placement. Any such transfer based on a superintendent's determination of unreasonable risk shall be approved by the commissioner or his designee prior to its occurrence.

**422.02**      **Review of Department Protective Custody Status**

1. Inmates residing in a department protective custody unit shall have their classification status reviewed at least every 120 days by a classification board. The rules set forth in 103 CMR 420, classification, shall be adhered to at all classification board hearings. The commissioner or his designee shall have the final decision making power in all such cases.
2. At the aforementioned hearing, maximum emphasis shall be placed on developing a reintegrative plan with the goal of placing the inmate in the general population of a correctional facility. Should the inmate not be suitable for such a reintegrative plan and the classification board recommends continued placement in protective custody, the

reasons for such a recommendation shall be noted in the classification report.

3. If, following a hearing, the classification board determines that the inmate no longer requires placement in a department protective custody unit, the board shall recommend to the commissioner that the inmate be released from the unit immediately.

#### **422.03**      **Operating Procedures**

The superintendent shall, subject to the approval of the reviewing authority, establish procedures for the operation of a department protective custody unit. Copies of the operating procedures shall be both posted within the unit itself and made available to inmates placed in the unit, upon request. The procedures shall include but not be limited to the following.

##### 1.    Admission

For facilities utilizing the IMS database, upon an inmate's admission to a department protective custody unit, staff shall access the SHU inmate information screen and enter the required information.

##### 2.    Security and Control

- a.    Out of Cell Time - Inmates in a department protective custody unit shall have a minimum of 3 hours free time out of their cells each day.
- b.    Inspections - The shift commander for each shift or the unit administrator shall tour the protective custody unit on a daily basis.
- c.    Log Books - A unit log book shall be maintained, listing names of employees on duty during each shift, special orders of the superintendent, his designee or the unit administrator, names of all person entering and leaving the unit and summarizing any events of significance which should be made known to officers on subsequent shifts.

Employees shall familiarize themselves with entries in the log books on a daily basis.

1. Facilities utilizing the IMS database shall make all of the log book entries noted above in the Unit Activity Log screen and the Unit Visitor Log screen.

3. Health, Sanitation and Safety

- a. Exercise and Recreation - Inmates shall have a daily exercise period of at least one hour outdoors when weather permits. In inclement weather, each protective custody inmate shall exercise indoors not less than one hour with simple gymnasium equipment available in an area large enough to permit small group activity.

1. For facilities utilizing the IMS database, exercise and recreation shall be logged in the SHU Inmate Daily Log screen. Each day, staff shall access this screen and check the appropriate boxes under the shower/phone/exercise tab. The comment section should reflect the total time the inmate was allowed to exercise, problems, reason for refusal, etc.,.

- b. Medical and Mental Health Services - Inmates shall have the availability of daily medical and mental health services. Individual counseling by a member of the mental health staff shall be provided for any protective custody inmate that has been placed on psychotropic medication, has a substantial mental health history or is deemed to be in crisis. In addition, weekly mental health rounds will be conducted by mental health staff to monitor all protective custody inmates' mental health status, regardless of whether or not they are an open mental health case.

1. For facilities utilizing the IMS database, medical and psychiatric services shall be logged in the SHU Inmate Daily Log screen. Each day, staff shall access this screen and check the appropriate boxes under the mental health/medication tab and complete all other applicable fields.
- c. Meals - Inmates shall receive 3 meals per day that are the same as those served to the general population.
  1. For facilities utilizing the IMS database, meals shall be logged in the SHU Inmate Daily Log screen. Each day, staff shall access this screen and check the appropriate boxes under the meal tab and complete all other applicable fields.
- d. Personal Hygiene - Inmates shall have the opportunity to shave and shower at least 3 times per week. Additionally, all inmates shall be issued and allowed exchange of clothing, bedding and linen and provided laundry, barbering and hair care services on the same basis as general population. Exceptions shall only be permitted when found necessary by the shift commander and recorded in the unit log and justified in writing. All such exceptions shall be reviewed by the superintendent or the unit supervisor.
  1. For facilities utilizing the IMS database, showers shall be logged in the SHU Inmate Daily Log screen. Each day, staff shall access this screen and check the appropriate boxes under the shower/phone/exercise tab and complete all other applicable fields.
4. Furnishing, Fixtures and Personal Items - Inmate cells shall be furnished and supplied with a bed, table, chair, one blanket, two sheets, one pillow and one pillow case. Subject to unit regulations, personal items may be permitted in the cell

provided that the unit's security and safety are not jeopardized. When an inmate is believed to be in a state of mind to destroy such furnishings or personal items, or to inflict injury on himself/herself or others with them, the unit administrator may remove those furnishings and items from the inmate's cell. Any deprivation of an article shall be logged, citing the reason for deprivation.

5. Visits - Inmates shall receive the same visitation privileges as those in general population. The visits shall occur in the general population visiting room. Visiting procedures shall be the same as those for general population except where security or safety considerations require alteration of these procedures.
6. Reading Material - Inmates shall have access to reading materials and the opportunity to borrow reading material from the institution library. Reading materials should not be allowed to accumulate to the degree that they become a sanitation or safety hazard.
7. Telephone Access - Inmates shall have the same access to telephones as outlined in 103 CMR 482 Telephone and Access and Use.
  - a. For facilities utilizing the IMS database, phone use shall be logged in the SHU Inmate Daily Log screen. Upon each inmate use of the phone, staff shall access this screen and check the appropriate boxes under the shower/phone/exercise tab and complete all other applicable fields.
8. Canteen - Inmates shall have access to requesting and receiving canteen items. The unit administrator may limit access to certain canteen items that present a threat to the safety or security of the unit.
9. Legal Materials - Inmates shall have access to personal legal materials as well as legal reference materials available at the facility's law library for a period of not less than two hours per week.

1. General Statement/Meaningful Activity

Inmates residing in a department protective custody unit shall be provided with the opportunity to engage in meaningful activities while in such status for not less than 5 hours in each day. Meaningful activity is defined as activity calculated to provide inmates with the opportunity to participate in educational, religious, work/vocational, or recreational pursuits. Meaningful activity is not free time spent in idleness. Meaningful activity is not necessarily out-of-cell activity. Meals, visits, showers, attorney consultations and attendance at administrative hearings shall not be considered to be meaningful activity within this definition. A schedule of weekly activities shall be prepared and posted within the unit indicating daily activity periods. Daily scheduling need not include provisions for opportunity in each activity area, job or work opportunities, recreation and education.

2. Correction Program Officer Contact - Inmates shall be provided reasonable access to a personal interview with a correction program officer. Where appropriate, a mental health referral will be made.

3. Educational Programs - Educational programs may include individual tutoring, correspondence courses and wherever appropriate, participation in educational programs at such other places designated by the superintendent.

4. Employment Programs - Employment programs may include working within the unit, and wherever appropriate, working in such other places designated by the superintendent. A reasonable number of designated job assignments shall be available for protective custody inmates. Opportunities for work assignments shall be essentially equal to those of inmates in general population within the same classification level



within the same institution. Compensation for such jobs and earned good time credits shall be the same as provided to inmates in general population. The superintendent, his/her designee or the unit administrator, after considering space and security requirements, may permit an inmate to pursue an avocational interest. Operation of any such avocation shall be subject to the requirements listed in 103 CMR 477 Avocation Programs.

5. Compensation - The compensation for employment programs and the benefits that such jobs are programs may provide to an inmate, such as earned good time credits, shall be subject to any provision of the General Laws applicable to inmates confined to correctional institutions of the Commonwealth.

#### **422.05**      **Transfer to Awaiting Action Status**

1. Following serious violent behavior by a protective custody inmate, or serious disciplinary charges involving the risk of violence or a threat to the good order of the institution, a protective custody inmate may be held in West Wing Segregation of MCI-Cedar Junction or its equivalent at another correctional institution in awaiting action status pending completion of any department investigation or disciplinary or classification process, provided, however, that the total amount of time in awaiting action status shall not exceed 45 days, unless the commissioner shall personally approve a further period or periods of not more than 15 days. In no event, shall the total amount of time in awaiting action status exceed ninety (90) days.

#### **422.06**      **Emergency**

Whenever in the opinion of the commissioner or his designee, or the superintendent of a state correctional facility, an emergency exists which requires suspension of all or part of these regulations, the commissioner or his designee or the superintendent may authorize such suspension, provided that any suspension lasting more

than forty-eight (48) hours must be approved by the commissioner.